

REMARKS/ARGUMENTS

Favorable reconsideration of this application in view of above amendments and following discussion is respectfully requested.

Claims 1-67 are pending in this application. Claims 5-7, 14, 16-18, 21-22, 24-28, 31-33, 36, 38, 40-45, 47, 49-53 and 55-59 are withdrawn from consideration. By this Amendment, Claims 1, 3-4, 34, 48, 66 and 67 are amended; and no claims are added or canceled herewith. It is respectfully submitted that no new matter is added by this Amendment.

In the outstanding Office Action, Claims 1-4, 8-13, 19-20, 29-30, 34-35, 37, 46, 48, 54 and 61-66 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 1,947,720 to Laub in view of U.S. Patent No. 4,145,147 to Schuck; Claims 15, 23, 39 and 67 were rejected under 35 U.S.C. § 103(a) as unpatentable over Laub in view of Schuck and further in view of U.S. Patent No. 3,070,102 to McDonald; and Claim 60 was indicated as including allowable subject matter.

The applied art does not teach or suggest a reservoir including a first side and a second side, an applicator portion having a second surface secured to an immediately adjacent second side of the reservoir, a membrane breakable in response to an operating action at least during first use of the applicator, the second surface of the applicator portion and the second side of the reservoir have respective lengths and said second surface of the applicator portion and said second side of the reservoir are in contact with each other along substantially all their respective lengths, and the membrane forms the second side of the reservoir, as recited in Claim 1 and similarly recited in the remaining independent claims.

In contrast Laub discloses a toothbrush having a container 10 formed with sidewalls having ribs 16 and 17. A paste 12 is contained within a hollow portion of the container 10. A membrane 29 is provided at a point between two side walls of the container 10. When it is

desired to extrude the paste through the slot formed in the housing 10, the upper wall of the container is depressed and the membrane 29 is fractured to allow the paste 12 to be squeezed out of the small opening into the area between the bristles 25.

Schuck discloses a toothbrush having a cavity 106 for housing toothpaste. The cavity 106 communicates with channel 105 which then dispenses the toothpaste to the bristle portion 104 of the brush. Schuck also discusses using sponge material 120. There is no teaching or suggestion for having any type of membrane material formed between the opening in the channel 105 and the bristles or sponge nor does the Office Action assert as such.

Spector discloses a periodontal finger applicator that includes an envelope 13 that defines a cavity 14 for the aqueous solution, an internal cavity 16 that holds dry powder, and a rectangular layer 17 made of sponge-like material. The cavity 14 filled with the aqueous solution is formed adjacent the finger and the internal cavity 16 is formed between the cavity 14 and the application layer 17. A small portion of the front wall of envelope 13 includes a weakened zone 15 located between the aqueous solution cavity 14 and dry powder cavity 16. This small opening allows the aqueous solution to be squeezed into the internal cavity 16 holding the dry powder 18 when pressure is exerted by the finger.

Accordingly, there is no teaching or suggestion for the features recited in the independent claims. Again, the independent claims recite that a membrane is breakable in response to an operating action at least during first use of the applicator and the membrane forms the second side of the reservoir. In this way, during use, the stored product can move reliably from the reservoir immediately to the applicator portion and then be applied to a desired surface. The features of the claimed invention are not taught or suggested by the applied art and therefore, they cannot provide at least the advantages discussed above.

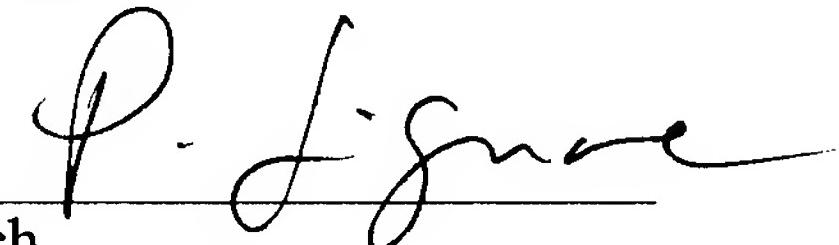
Accordingly, withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) is respectfully requested.

Consequently, for the reasons discussed in detail above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Steven P. Weihrouch  
Attorney of Record  
Registration No. 32,829

Philippe J.C. Signore  
Registration No. 43,922

Kevin M. McKinley  
Registration No. 43,794

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)